

On November 6, 1939, pleas of guilty having been entered, the court imposed a fine of \$100 against the defendants jointly.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31033. Adulteration of frozen eggs. U. S. v. Swift & Co. Plea of nolo contendere. Fine, \$275 and costs. (F. & D. No. 42771. Sample No. 43540-D.)

The frozen eggs involved in this shipment were in part decomposed.

On October 26, 1939, the United States attorney for the Northern District of Texas filed an information against Swift & Co., a corporation trading at Fort Worth, Tex., alleging that on or about April 14, 1939, the defendant company sold and delivered to a purchaser at Fort Worth, Tex., a quantity of frozen eggs; that at the time of said sale and delivery the defendant gave a guaranty to the purchaser to the effect that the product complied with the Federal Food and Drugs Act; that the said product in the identical condition as when so sold and delivered was shipped on or about April 14, 1939, by the purchaser thereof from the State of Texas into the State of California; that the said article was adulterated in violation of the Food and Drugs Act, and that by reason of the guaranty the defendant was amenable to the prosecutions and fines and other penalties which otherwise would attach to the shipper.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed and putrid animal substance.

On January 15, 1940, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$275 and costs.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31034. Adulteration of butter. U. S. v. Southern Maid Dairies, Inc. Tried to the court and a jury. Verdict of guilty. Fine, \$175 and costs. (F. & D. No. 42680. Sample No. 33946-D.)

This case involved a shipment of butter which contained less than 80 percent of milk fat.

On March 20, 1939, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Southern Maid Dairies, Inc., Bristol, Va., alleging shipment by said company on or about August 15, 1938, from the State of Virginia into the State of Tennessee, of a quantity of butter which was adulterated in violation of the Food and Drugs Act.

Adulteration was alleged in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923.

On November 15, 1939, the defendant having entered a plea of not guilty, the case came on for trial before the court and a jury, and a verdict of guilty was returned. The defendant was sentenced to pay a fine of \$175 together with costs of the proceedings.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31035. Misbranding of cottonseed meal. U. S. v. Temple Cotton Oil Co. Plea of guilty. Fine, \$50. (F. & D. No. 42748. Sample No. 4158-D.)

The product involved in this shipment contained a smaller percentage of protein than that declared on the label.

On August 28, 1939, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Temple Cotton Oil Co., a corporation, Little Rock, Ark., alleging shipment by said company in violation of the Food and Drugs Act on or about November 23, 1938, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Quapaw Brand 41% Protein Cottonseed Meal-Cake."

It was alleged to be misbranded in that the statement "Protein 41.00%," borne on the tag attached to the sacks containing it, was false and misleading and was borne on the said tag so as to deceive and mislead the purchaser since it contained less than 41 percent of protein, namely, not more than 39 percent.

On October 17, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

GROVER B. HILL, *Acting Secretary of Agriculture.*